

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON Joe Jewell	TELEPHONE NUMBER 228-523-4072	
ADDRESS 1141 Bayview Avenue		CITY Biloxi	STATE MS	ZIP 39530
EMAIL Joe.Jewell@dmr.ms.gov	SUBMIT 4-21-14	Name or number of rule(s): Title 22 Part 5		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 5 RULES AND REGULATIONS THAT ESTABLISH RESTRICTIONS GOVERNING THE USE OF NETS, FISH TRAPS AND POTS WITHIN THE TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING CERTAIN CATCH LIMITATIONS AND QUOTAS Chapter 05 Section 100.07 through 100.15 statements added further defining restrictions on gill and trammel nets. Chapter 10 renamed to Chapter 11. Chapter 11 renamed to Chapter 12.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 *et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 5: (see above summary description; complete description attached).

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Jamie M. Miller, Executive Director

Signature of person authorized to file rules: Jamie M. Miller

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#20463</u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Complete description of proposed changes:

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 5 RULES AND REGULATIONS THAT ESTABLISH RESTRICTIONS GOVERNING THE USE OF NETS, FISH TRAPS AND POTS WITHIN THE TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING CERTAIN CATCH LIMITATIONS AND QUOTAS

Chapter 05 Additional Gill and Trammel Net Restrictions

- 100.07 Gill and trammel nets must be attended at all times from a distance of no greater than the length of the boat in use. It shall be unlawful for any person, firm or corporation, other than the license holder, to possess, deploy, use or attend a gill or trammel net in or on the marine waters under the jurisdiction of the MDMR. When a gill net is used or deployed in marine waters, the license holder shall remain within one-hundred (100) feet of the deployed net. Failure to remain within the required distance shall constitute failure to attend the gill or trammel net.
- 100.08 On and after January 1, 1997, all gill and trammel nets must be constructed of an approved degradable material. An approved degradable materials list will be on file with the Executive Director of the MDMR or his designee. Any material that has not been approved by the MCMR by the October 15, 1996 MCMR meeting must meet the requirements of the approved degradable materials definition. Webbing and panels for gill and trammel nets shall be constructed of cotton or linen material approved by the MDMR, or any material which meets the approved degradable materials standards in Chapter 03 Section 103 of Title 22 part 05.
- 100.09 All gill and trammel nets shall be inspected and tagged annually by the MDMR. Each tag shall contain a unique identifying number.
- 100.10 From and after March 14, 2014 the MDMR shall not issue an annual tag for a gill or trammel net or tag a replacement net without the license holder producing and surrendering the immediately preceding issued annual tag.
- 100.11 It shall be unlawful for any person, firm or corporation to possess, deploy, use or attend a gill or trammel net in or on the marine waters that does not have attached a valid and current annual tag issued by the MDMR.
- 100.12 Each gill and trammel net shall be tagged at opposite ends by the MDMR.
- 100.13 It shall be unlawful for any person, firm or corporation to possess more than one (1) MDMR tagged gill or trammel net on the marine waters under the jurisdiction of the MDMR.
- 100.14 Any license holder with three (3) separate offenses occurring on three separate occasions for violating any of the provisions of this chapter may have their license revoked by the MCMR and upon revocation shall not be eligible to possess, use or deploy gill or trammel nets on marine waters under the jurisdiction of the MDMR.
- 100.15 Subject to compliance with the foregoing regulations in this chapter, currently licensed fishermen in possession of a gill or trammel net that was inspected and tagged by the MDMR between September 1, 2005 and March 18, 2014 shall be allowed to use and deploy gill or trammel nets constructed with uncoated multi-filament nylon twine webbing and panels. Current license holders that meet this requirement shall be allowed to use said nets provided they annually purchase the required license, obtain the required tags, and abide by all the regulations in this chapter. This special authorization is non-transferable.

Chapter 10 Chapters and Subchapters Declared Separable

Chapter 12 Administrative Procedures Act